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Fourth session
Bonn, 25-28 February 1997

REPORT OF THE AD HOC GROUP ON ARTICLE 13 ON THE WORK OF ITS FOURTH SESSION, BONN, 25-28 FEBRUARY 1997

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I. OPENING OF THE SESSION
(Agenda item 1)

1. The fourth session of the Ad Hoc Group on Article 13 (hereinafter referred to as "the AG13") was held at the Stadthalle Bad Godesberg, Koblenzer Strasse 80, Bonn, from 25 to 28 February 1997.

2. The Chairman of the AG13, Mr. Patrick Széll, opened the session on 25 February 1997. In welcoming the participants, he observed that during its third session the AG13 had identified issues of concern around a number of themes, recognizing that there were a number of points of convergence and divergence. It had also formulated a list of elements to serve as a basis for discussion at its fourth session. The Chairman noted a growing consensus that any multilateral consultative process should seek to find solutions to problems referred to it. He was encouraged by the positive trend of the third session and stressed that the aim of the fourth session should be to reduce the options and go beyond the list of elements agreed at the previous session.

II. ORGANIZATIONAL MATTERS
(Agenda item 2)

A. Adoption of the agenda
(Agenda item 2 (a))

3. The AG13, at its 1st meeting, on 25 February, adopted the following agenda:

1. Opening of the session.

2. Organizational matters:

   (a) Adoption of the agenda;

   (b) Organization of the work of the session;

   (c) Organization of the work of future sessions.

3. Scope and elements of the procedure of any proposed mechanism.

4. Report on the session.

B. Organization of the work of the session
(Agenda item 2 (b))

4. At the 1st meeting, on 25 February, the Chairman recalled that services would be available for five meetings of the Group with interpretation from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. The AG13 agreed to proceed on the basis of the proposed schedule of work contained in annex II of document FCCC/AG13/1997/1.

5. The AG13 agreed to admit one intergovernmental and 13 non-governmental organizations that had been screened by the secretariat, on the basis of the provisions of Article 7.6 of the Convention, without prejudice to subsequent action by the Conference of the Parties (COP).

6. A written statement from the Executive Secretary was circulated on meeting arrangements, venue and documents.

C. Organization of the work of future sessions
(Agenda item 2 (c))

7. At the 1st meeting, on 25 February, the Chairman noted that the Bureau of the COP would hold deliberations on the schedule of meetings of Convention bodies on 1 March 1997. The Chairman recalled the wish of the AG13 to avoid any overlapping of its sessions with those of the AGBM. The fifth session of the AG13 is scheduled to be held between 28 and 30 July 1997, in Bonn.

D. Attendance

8. The lists of attendance at the fourth session of the AG13 are contained in document FCCC/SB/1997/INF.2.

E. Documentation

9. The documents before the AG13 at its fourth session are listed in annex I below.

III. SCOPE AND ELEMENTS OF THE PROCEDURE OF ANY PROPOSED MECHANISM
(Agenda item 3)

1. Proceedings

10. The AG13 considered this matter at its 1st, 2nd, 3rd and 4th meetings on 25, 26, 27 and 28 February, respectively. Statements were made by representatives of

20 Parties, including one speaking on behalf of the Group of 77 and China and one speaking on behalf of the European Union and its member States.

11. The secretariat introduced the document FCCC/AG13/1997/MISC.1 containing submissions from three Parties.

12. The Chairman introduced at the 3rd meeting, a compilation text for consideration by the AG13 in its study on the issues relating to establishment and design of any multilateral consultative process.

2. Conclusions

13. At its 5th meeting on 28 February, on the basis of a proposal from the Chairman, the AG13 :

(a) Emphasized that the work of the Group, on the establishment of any multilateral consultative process and its design, must be within the framework set by Article 13 of the Convention;

(b) Noted that the compilation text in annex II, is recorded without prejudice to any decision on the establishment of a multilateral consultative process. The framework compilation, which reflects points raised, as well as areas of convergence and divergence, would form a basis for discussion by the Group at its fifth session;

(c) Invited Parties, should they so wish, to submit any proposals they might have on the compilation text in annex II, and requested the secretariat to issue any such proposals received by 1 June 1997 in a miscellaneous document, in accordance with usual practice, to be made available to the Group at its fifth session.

IV. REPORT ON THE SESSION
(Agenda item 4)

14. At its 5th meeting, on 28 February, Mr. Andrej Kranjc, the Rapporteur, presented the draft report of the session (FCCC/AG13/1997/CRP.1). The AG13 considered and adopted the document and also requested the Rapporteur, under the guidance of the Chairman and with the assistance of the secretariat, to complete the report, taking into account the discussions of the Group, the conclusions of the Bureau of the Conference of the Parties on agenda item 2 (c) and the need for editorial adjustments.

15. The Chairman expressed his appreciation to the participants for their constructive cooperation and declared the fourth session of the AG13 closed.

Annex I

DOCUMENTS BEFORE THE AD HOC GROUP ON ARTICLE 13 AT ITS FOURTH SESSION

Documents prepared for the session

FCCC/AG13/1997/1	Provisional agenda and annotations
FCCC/AG13/1997/MISC.1	Scope and elements of the procedure of any proposed mechanism : Submissions from Parties
FCCC/AG13/1997/CRP.1	Draft report of the Ad Hoc Group on Article 13 on the work of its fourth session, held at Bonn from 25 to 28 February 1997

Other documents for the session

FCCC/AG13/1996/4	Report of the Ad Hoc Group on Article 13 on the work of its third session, held at Geneva from 16 to 18 December 1996.
FCCC/AG13/1996/1	Questionnaire on the establishment of a multilateral consultative process under Article 13: synthesis of responses
FCCC/AG13/1996/MISC.1 and Add.1	Responses to questionnaire relating to the establishment of a multilateral consultative process: submissions by Parties and non-parties
FCCC/AG13/1996/MISC.2 and Add.1	Responses to questionnaire relating to the establishment of a multilateral consultative process: submissions by intergovernmental and non-governmental bodies
FCCC/CP/1995/7 and Add.1	Report of the Conference of the Parties on its first session, held at Berlin from 28 March to 7 April 1995
FCCC/CP/1996/15 and Add.1	Report of the Conference of the Parties on its second session, held at Geneva from 8 to 19 July 1996

Other documents available at the session for reference purposes

FCCC/AG13/1996/2	Report of the Ad Hoc Group on Article 13 on the work of its second session, held at Geneva on 10 July 1996
FCCC/AG13/1995/2	Report of the Ad Hoc Group on Article 13 on the work of its first session, held at Geneva from 30 to 31 October 1995
A/AC.237/59	Consideration of the establishment of a multilateral consultative process for the resolution of questions regarding implementation (Article 13)
A/AC.237/MISC.46	Consideration of the establishment of a multilateral consultative process for the resolution of questions regarding implementation (Article 13): submissions from delegations relating to Article 13
FCCC/CP/1995/MISC.2	Consideration of the establishment of a multilateral consultative process for the resolution of questions regarding implementation (Article 13): a review of selected non-compliance, dispute resolution and implementation review procedures

Annex II

MULTILATERAL CONSULTATIVE PROCESS

[Establishment

1. A multilateral consultative [standing][ad hoc] committee is hereby established by the Conference of the Parties. [....]

[Objective]

2. The objective of the committee will be to provide Parties [on [their] request] with advice on questions regarding the implementation of the Convention, with a view to:

[(a) [facilitating implementation of the Convention by individual Parties] [assisting individual Parties in their implementation of the Convention];]

[(b) promoting understanding of the Convention;]

[(c) preventing disputes from arising;]

[(d) finding solutions;] and

[(e) providing assistance to Parties to promote the process of implementation of the Convention].

[Mandate]

3. To this end it will consider:

[(a) providing assistance to Parties in relation to difficulties they encounter in the course of implementation including:

(i) clarification of questions; and

(ii) assistance to the developing country Parties, in accordance with Article 12.7, of technical and financial support in compiling and communicating information, as well as in identifying the technical and financial needs associated with proposed projects and response measures under Article 4];

[(b) in consultation with the Party or Parties concerned, submissions made by a Party or Parties and all other relevant information [which is to be made available to it by other Convention bodies];] and

[(c) any tasks entrusted to it by the COP].

4. The committee will not in any way duplicate activities performed by other Convention bodies.

5. The process will be separate from, and without prejudice to, the provisions of Article 14.

Nature

6. The process will be conducted in a facilitative, cooperative, non-confrontational, transparent, [timely] manner, and be non-judicial. [Concerned Parties will be entitled to participate fully in the process.]

Size

7. It will [be open ended] [consist of [5] [10] [15] [25] members].

Expertise

8. It will comprise [government representatives] [persons nominated by governments, acting in their individual capacity] who are experts [in social, economic, legal, technical, scientific and technological, and/or environmental fields] [with relevant knowledge] in the field of the Convention.

Constitution

9. Its members will be elected by the COP for [one] [two] [three] years based on equitable geographical distribution [and the principle of rotation] [other arrangement....]. The chairmen of the subsidiary bodies [will be ex-officio members of the committee] [may participate in meetings of the committee as observers]. [The committee may draw upon a roster of experts [set up by it].] [It may [draw upon the expertise of other bodies established under the Convention] [and] [or] [establish ad hoc panels].]

Deliberations

10. The committee will meet [at least once a year] [as and when necessary]. Meetings of the committee will, whenever practicable, take place in conjunction with sessions of the COP or its subsidiary bodies.

Governance

11. It will report [[regularly] to the COP] [to each ordinary session of the COP] [[to] [through] the SBI] on all aspects of its work, with a view to the COP taking whatever decisions it considers necessary.

How issues would be taken up

12. It will [receive,] consider and report on any submission made by [a Party on its own request,] [one or more Parties,] [and references made to it by the COP, SBI or SBSTA], [and information provided by the secretariat regarding implementation of obligations by any Party]. [Such [submissions], [references] [and information] shall be supported by specific corroborating information.]

Outcome

13. The conclusions and any recommendations of the committee will be sent to the Party, or Parties, concerned for its, or their, consideration. Such conclusions and recommendations will include, as appropriate, elements relating to:

(a) appropriate [assistance], [support] and [encouragement]; and

(b) cooperation between the Party, or Parties, concerned and others to further the objectives of the Convention.

[The conclusions and recommendations will be subject to the consent of the Party, or Parties, concerned.] The committee will, in addition, make its conclusions and recommendations available [to the COP] [[to] [through] the SBI] in due time before its [their] sessions.

Evolution

14. The functions and [terms of reference] [mandate] of the committee may be further [elaborated] [amended] by the COP to take account of [any amendment to the convention], [any decision of the COP] or [experience gained with the working of the process].]

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